

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

WILLIAM MURRAY, et al.,)
Plaintiffs,)
v.) Case No. 1:19-cv-01498-LEK/TWD
MICHAEL REGAN, in his official)
capacity as Administrator of the U.S.)
Environmental Protection Agency, et al.,)
Defendants.)

NOTICE OF UNOPPOSED MOTION FOR REMAND WITHOUT VACATUR

Motion by: Defendants Michael Regan, Administrator of the U.S. Environmental Protection Agency; the U.S. Environmental Protection Agency; Jamie Pinkham, Acting Assistant Secretary of the Army for Civil Works; and the U.S. Army Corps of Engineers.

Relief and Basis: An order granting Defendants unopposed motion to remand the challenged administrative rule without vacatur to the Agencies for further consideration and dismiss the case without prejudice. Further, the Defendants request that both parties cross-motions for summary judgment be denied as moot without prejudice and that the Court dismiss this case without prejudice.

Supporting Papers (a) Memorandum of Law
(b) Exhibits

Dated: August 10, 2021

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

/s/ Phillip R. Dupré

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on August 10, 2021, I caused a true and correct copy of the foregoing to be served via the Court's CM/ECF system on all registered counsel.

/s/Phillip R. Dupré